



IN THE DRAWINGS

Applicants note that the objections to the Drawings filed on January 14, 2002 were maintained. The Examiner is respectfully requested to reconsider the objections to the Drawings in view of the remarks set forth below.

The Examiner asserts that proper legends were missing. In particular, the Examiner objected the Drawings under 37 CFR 1.84(o) as failing to show proper legends in the Drawings. Applicants respectfully disagree. The C.F.R. § 1.84 Standards for drawings:

(o) *Legends*. Suitable descriptive legends may be used subject to approval by the Office, or may be required by the examiner where necessary for understanding of the drawing. They should contain as few words as possible.

For at least the reasons set forth below, Applicants respectfully traverse the objections to the Drawings. Pursuant to MPEP § 608.02, drawings do not necessarily require description for the reference characters included therein. A description of the reference characters in the Drawings is included throughout the Applicants' Specification. For example, a description of the reference character 2 in Figures 1A is included throughout the Applicants' Specification including on page 4 at line 30 and page 5, line 3 and line 8. However, corrections in the form of replacement sheets labeled, in the header, "Replacement Sheet" are included. In particular, in Figures 1A-4, a legend "CELL" is included in the Drawings. Since drawings on paper are acceptable as long as they are in compliance with 37 CFR 1.84, reconsideration of objections to the Drawings is respectfully requested of the Examiner.

REMARKS

Pursuant to the present amendment, independent claims 1, 7, 15 and 20 have been amended. No new subject-matter has been introduced. Claims 1-9, 11-23 are pending in the present application. Reconsideration of the rejections is respectfully requested of the Examiner.

In the Office Action mailed November 17, 2005, the rejections of independent claims 1, 7, 15 and 20 under 35 USC §102(b) as being allegedly anticipated by U.S. Patent No. 5,995,830 to Amin, et al. (hereinafter “*Amin*”) was maintained. Applicants’ respectfully traverse the Examiner’s §102 rejections.

An anticipating reference by definition must disclose every limitation of the rejected claim in the same relationship to one another as set forth in the claim. Amended claim 1, among other things, calls for an apparatus that enables a telephony device of a party in communication with a mobile device to leave a voice mail for a mobile device user in the event that the communication with the mobile device is dropped during a call between said party and the mobile device user. The voice message processing circuitry automatically routes the call, in response to determining the communication has been dropped for said telephony device of said party, to a voice mail system associated with the dropped communication of said mobile device user so that said party can leave a voice mail message for said mobile device user to which a connection has been dropped from the call. Support for this claim feature can be found throughout the Applicants’ Specification, including on page 8, lines 1-8.

Amin teaches that a call may be routed from telephone 102 to a voice mail node 108 based on the reconnection status or an option selected by the user, not in response to determining the communication has been dropped. In other words, routing of the call is not automatically performed if the communication with the mobile device has been dropped during a call between the mobile device user and the party. Based on the above-indicated legal standard, it is respectfully submitted that the *Amin* reference fails to anticipate claim 1. Thus, claim 1 and claims dependent therefrom are in condition for allowance which is respectfully requested of the Examiner. Accordingly, Applicants respectfully submit that for at least the reasons set forth above, the rejected independent claims 7, 15 and 20 are likewise also allowable.

The Examiner asserts that in column 2, line 1-31 *Amin* teaches determining the call is dropped and the user is connected to the voice mail node. *Amin* routes the still connected device to the voice mail mode 108 based on reconnection and not in response to dropping of the call between the mobile device user and the party. Accordingly, *Amin* is completely silent as to the voice message processing circuitry automatically routing the call, in response to determining the communication has been dropped for said telephony device of said party, to a voice mail system associated with the dropped communication of said mobile device user so that said party can leave a voice mail message for said mobile device user to which a connection has been dropped from the call. Therefore, Applicants respectfully submit that independent claim 1 and its dependent claims are allowable.

While *Amin* reconnects a mobile telephone to another telephone for processing a dropped call, the reconnection attempt includes steps similar to those when a new call to the mobile telephone 116 comes into the MSC 110. See *Amin*, col. 5, lines 60-col.6, line 2. If it is determined in step 208 that reconnection to the mobile telephone 116 is not appropriate, then in

step 218 the MSC 110 routes the call from telephone 102 to a voice mail node 108. See *Amin*, col. 5, lines 46-49. If it is determined in step 208 that reconnection to the mobile telephone 116 is appropriate, then in step 210 the MSC 110 attempts to re-establish a wireless communication with mobile telephone 116. In an alternate embodiment, instead of automatically re-establishing a wireless communication channel with mobile telephone 116, an option to the user of the telephone 102 is provided for selectively reconnecting to mobile telephone 116. The user of the telephone 102 may choose not to reconnect to mobile telephone 116. In that case, the call is to be routed to the voice mail mode 108. See *Amin*, col. 6, lines 13-19.

Amin fails to teach one or more of the claimed features. For example, *Amin* at least does not teach if the voice message processing circuitry determines that the communication with the mobile device user has been dropped during the call, the voice message processing circuitry automatically causes the telephone device of the party to be connected to a voice mail system associated with the mobile device user. In step 208, the MSC 110 determines whether a reconnection attempt is appropriate. That is, the MSC110 does not automatically cause the telephone 102 to be connected to a voice mail system associated with the dropped communication of the mobile device user. Moreover, *Amin* describes use of a status message and a reconnection indication which is not a voice mail message for the mobile device user to which a connection has been dropped from the call.

Independent claim 7 and its dependent claim are also allowable over *Amin* because this reference at least does not teach that the voice message processing circuitry automatically routes a telephony device of a party to leave a voice mail message in response to routing the call, in response to determining the communication has been dropped. Amended independent claim 15

and its dependent claims are also allowable over *Amin* because *Amin* at least does not teach the features set forth above with respect to claim 1. Amended independent claim 20 and its dependent claims are also allowable for at least one or more of the reasons presented above.

Rejection of dependent claims 4, 12, 17, and 22 under 35 USC §103(a) as being unpatentable over *Amin* was maintained. Applicants respectfully disagree. It is submitted that the rejected claims are not rendered obvious to one of an ordinary skill in the art in a *prima facie* manner. To establish a *prima facie* case of obviousness to one of an ordinary skill in the art, the prior art reference (or references when combined) must teach or suggest all the claimed limitations. As set forth below, Applicants respectfully submit that the §103 rejections fail to establish a *prima facie* case of obviousness.

As indicated on page 4 of the Final Office Action, the Examiner concedes that *Amin* fails to teach that the party communicates with the dropped mobile device user over the wireless network via a mobile telephone device. Notwithstanding the Examiner's obviousness rejection based on the Official Notice taken, claims 4, 12, 17, and 22 are allowable for at least one or more of the reasons presented above.

The Examiner does not cite to any reference to show the missing claimed features. Instead, to provide a teaching for the features absent from *Amin*, the Examiner cites MPEP section 2144.03(C). The Examiner, on page 6 of the Final Office Action, advances a conclusory statement that "the Applicant must specifically point out the supposed errors in the Examiner's action, which would include stating why the noticed fact is not considered to be common knowledge or well-known in the art." Such a conclusory statement is clearly deficient. Because

the Office provides no citations in *Amin* and/or cites other *reference(s)* to support this “obviousness” assertion, Applicants infer that the Examiner makes this assertion based on **personal knowledge**. However, no **supporting affidavit** has been made of record. Applicants respectfully request that prior art be provided to substantiate this “obviousness” assertion or that an **affidavit** be filed in accordance with 37 C.F.R. § 1.104(d)(2), which states (emphasis added):

(2) When a rejection in an application is based on facts **within the personal knowledge** of an employee of the Office, the data shall be as specific as possible, and the reference **must be supported, when called for by the applicant, by the affidavit of such employee**, and such affidavit shall be subject to contradiction or explanation by the affidavits of the applicant and other persons.

Consequently, Applicants respectfully request the Office to either (1) **cite a reference** in support of this position, or (2) **provide a Rule 104(d)(2) affidavit** from the Examiner supporting any **facts within the personal knowledge of the Examiner**, as also set forth in **M.P.E.P. § 2144.03**.

As thus understood, it is respectfully submitted that *Amin* is completely silent as to the party communicating with the dropped mobile device user over the wireless network via a mobile telephone device. Furthermore, *Amin* does not provide any suggestion to modify or combine the prior art as suggested by the Examiner so as to arrive at Applicants’ claimed invention. Claims 4, 12, 17, and 22 are thus allowable for at least the reasons presented above.

Claims 6, 14, and 19 were rejected under 35 USC §103(a) over *Amin* and in view of U.S. Patent No. 6,418,307 (*Amin-8307*). The Examiner acknowledges that *Amin* fails to teach a signal to be transmitted to cell equipment and notifying that a voice mail message has been left for the mobile device user. To provide a teaching for the features absent from *Amin*, the

Examiner relies upon *Amin-8307*. Applicants respectfully submit that *Amin-8307* fails to remedy the aforementioned fundamental deficiency of *Amin*, as set forth in claim 6.

The Examiner asserts that the “message center” taught by *Amin-8307* corresponds to the “voice message processing circuitry” in claim 6. *Amin-8307* teaches that a messaging center 100 in a cellular network receives a voice mail notification. The messaging center 100 then forwards the notification to a mobile switching center (MSC), which in turn forwards the voice mail notification to a base station. The base station then forwards the voice mail notification to a cellular phone operated by a subscriber. The messaging center 100 communicates with the home location register to determine the location of the subscriber who is to receive the voice mail notification. The home location register maintains a record of the location of the subscriber. See col. 1, lines 46-51 of *Amin-8307*. The messaging center 100 through its interaction determines the correct mobile switching center 12 and forwards the message. The mobile switching center 12 then forwards the message to the cellular base station 13 to the subscriber, who has a cellular phone or other mobile device that can display the voice mail notification. See col. 1, lines 46-51 of *Amin-8307*.

Accordingly, *Amin-8307* teaches that it is the mobile switching center 12 that forwards the message to the cellular base station 13 for a cellular phone or other mobile device, not the messaging center 100. However, in claim 6, when the communication associated with the call is dropped, the voice message processing circuitry causes a signal to be transmitted to the cell equipment. Thus, Applicants respectfully submit that *Amin-8307* fails to remedy the aforementioned fundamental deficiency of *Amin*, as set forth in claim 6. Therefore, Applicants respectfully submit that the present invention is not obvious over the *Amin* and *Amin-8307*

references, considered either alone or in combination. Applicants request that the Examiner's rejections of claims under 35 U.S.C. 103(a) be withdrawn. Additionally, the other pending claims, to the extent they call for one or more of the above-noted missing features, are also allowable for these reasons.

In view of the aforementioned reasons, Applicants respectfully submit that all the pending claims are allowable. Accordingly, a Notice of Allowance is respectfully solicited. The Examiner is invited to contact the undersigned at (713) 934-4089 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,

WILLIAMS, MORGAN & AMERSON, P.C.
CUSTOMER NO. 046290

Date:

02/17/06

By:



Sanjeev K. Singh, Ph.D.

Rec. No. L0220

10333 Richmond, Suite 1100

Houston, Texas 77042

(713) 934-4089 ph

(713) 934-7011 fx

AGENT FOR APPLICANT(S)